

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

LISA LEE SHILOH,

Plaintiff

v.

JOHN DOES, et al.,

Defendants

CIVIL ACTION NO. 4:12-CV-01086

(JONES, J.)

(MEHALCHICK, M.J.)

MEMORANDUM

This civil rights action arises out of Plaintiff Lisa Shiloh's arrest on June 15, 2010, at her home in Littlestown, Pennsylvania. (*See Doc. 36*). Shiloh alleges that the Defendants, which include John Does and named officers, deployed tear gas into her home during the arrest and subjected her to excessive force in violation of her Fourth and Fourteenth Amendment rights.

This Court dismissed with prejudice Shiloh's claims brought pursuant to the Pennsylvania Constitution; claims for money damages against the Defendants in their official capacities; a request for declaratory judgment; an Eighth Amendment cruel and unusual punishment claim; a due process claim for damage to her residence; a denial of adequate medical care claim; and an unreasonable search and seizure claim. (*See Doc. 11; Doc. 36, Orders*). Per this Court's May 14, 2013, Order (*Doc. 36*), Shiloh may proceed only on her Fourth Amendment excessive force claim as alleged in her Amended Complaint, *Doc. 19*. (*Doc. 36 at 6*). The Court dismissed without prejudice Shiloh's Fourth Amendment failure to intervene with excessive force claim, stating that if, during discovery, facts are revealed which may premise such a claim, Shiloh may be permitted to amend this claim, after filing an appropriate motion for leave to do so. (*Doc. 36 at p. 6, n.3*). All other claims, including those

contesting the validity of any search warrant which led to Shiloh's prosecution and Fourth Amendment unreasonable search and seizure claims, were dismissed with prejudice. (*See Doc. 36*).

Pending now before this Court is Plaintiff's motion to amend/correct. ([Doc. 62](#)). In this motion, Shiloh brings allegations regarding the validity of the original warrant issued in her criminal case, contests evidence used against her in her case, and brings allegations of an unreasonable search and seizure. This Court has already noted these arguments and dismissed them with prejudice. (*See Doc. 36 at 4*, Order) ("Plaintiff is actually attempting to use this lawsuit as a means to attack the criminal investigation surrounding her arrest and state prosecution rather than to vindicate her civil rights."). Accordingly, the Court will **DENY** Plaintiff's motion to amend/correct. ([Doc. 62](#)).

In her Amended Complaint ([Doc. 19](#)), Shiloh named as Defendants to her excessive force claim John Does of the Pennsylvania State Police Special Emergency Response Team. Shiloh was directed to identify the John Doe Defendants named with respect to the excessive force claim. ([Doc. 42](#), Order). On August 9, 2013, Shiloh filed an "Amended Complaint to Include Defendants" construed as an affidavit as to the identities of the John Doe Defendants. ([Doc. 49](#)). Shiloh named the following as Defendants to her excessive force claim: Kenneth Hassinger; James O'Shea; Christopher Keppel; Trooper John Brambaugh; Eric Beyer; David Olweiler; Edward Crouse; Douglas Hilyard; and Scott Miller. Shiloh indicates that there are other unnamed defendants; however she has been unable to identify those defendants.

As such, this Court will proceed with Plaintiff's Fourth Amendment Excessive Fourth claim as alleged in her Amended Complaint ([Doc. 19](#)) and order the Amended Complaint served on the nine (9) named defendants, per Plaintiff's affidavit. ([Doc. 49](#)).

An appropriate Order follows.

BY THE COURT:

Dated: January 28, 2014

s/ Karoline Mehalchick
KAROLINE MEHALCHICK
United States Magistrate Judge